IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25189 of 2004

Between:

1 A.Krishnaiah, s/o late Venkatesu,
R/o Annasamipalle Village, Renigunta Mandal, Chittoor District.
2 A.Munaiah, s/o late Nagaiah,
R/o Annasamipalle Village, Renigunta Mandal, Chittoor District.

.....PETITIONERS

AND

1 The District Collector, Chittoor District, at Chittoor.
2 The Revenue Divisional Officer, Tirupati Revenue Division, Tirupati, Chittoor District.
3 The Mandal Revenue Officer, Renigunta Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, declaring the action of the respondents in trying to dispossess the petitioners from S.No.384 of Annasamipalle Village Revenue Accounts, Renigunta Mandal, Chittoor District, to an extent of Ac.3.25 cents, without following the due procedure of law, and without even putting us on notice, as being illegal, arbitrary and violative of principles of natural justice and fair play besides violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of their agricultural lands in S.No.384 of Annasamipalle Village Revenue accounts, Renigunta Mandal, Chittoor District, to an extent of Ac.3.25 cents.

For the Petitioners: MR.D.SESHADRI NAIDU, Advocate

For the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and with their consent the writ petition itself is disposed of at the stage of admission.

The petitioners claim to be owner of Ac.3-25 cents of land in Survey No.384 of Annasamipalle Village, Renigunta Mandal of Chittoor District. Their grievance is that without following the procedure laid down under the Land Acquisition Act, the respondents are trying to evict them from the land, which is illegal and arbitrary. Seeking a direction to the respondents not to interfere with their possession over the land, they filed the present writ petition.

Having regard to the facts and circumstances of the case, the writ petition is disposed of at the stage of admission with the following directions:

If the respondents intend to acquire private lands of individuals, they shall follow the procedure established by law and pay compensation to the individuals. If the land in question is a Government land, which is under encroachment, the respondents shall follow the procedure contemplated under the Land Encroachment Act for eviction. Till then, status quo obtaining as on today shall be maintained. If the respondents have already followed the due process of law in the matter, they are at liberty to take steps to evict the petitioners from the land in question.

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N.V. RAMANA, J

Date: 31-12-2004

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To

1 The District Collector, Chittoor District, at Chittoor.
2 The Revenue Divisional Officer, Tirupati Revenue Division, Tirupati, Chittoor District.
3 The Mandal Revenue Officer, Renigunta Mandal, Chittoor District.

4 Two C.Cs to the Government Pleader for Revenue, High Court Buildings, A.P.,Hyderabad (OUT).

5 Two C.D.copies.